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State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Oil, Gas & Mining

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Executive Director

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Division Director

JK

January 14, 2008

John A. Gefferth, Environmental Engineer
Consolidation Coal Company
P.O. Box 566
Sesser, Illinois 62884

Subject: Refuse Drainage to Pond 8 (Response to Notice of Violation #10005), Consolidation Coal Company, Emery Deep Mine, C/015/0015, Task ID #2877, Outgoing File

Dear Mr. Gefferth:

The above-referenced amendment has been reviewed in conjunction with satisfying the required abatement measures specified in Notice of Violation #10005 and enclosed are the deficiencies associated with the submittal received on November 9, 2007. The submittal did not specify which abatement measure was selected to abate the Notice of Violation. The abatement measures required by Notice of Violation #10005 required the selection of one of the following:

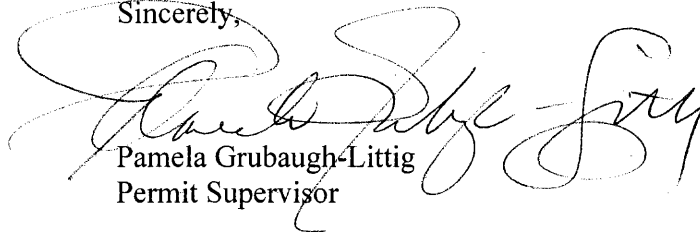
- (1) Place the refuse/waste disposal in the approved permanent disposal site, in accordance with the approved MRP and current regulations for refuse disposal and drainage. Update MRP as necessary to comply with regulations.
- (2) Design and receive approvals (Division/MSHA) for a new permanent refuse pile/waste disposal that meets current regulations for disposal and drainage. Place existing and future refuse/waste material in approved facility. Date due: August 13, 2007.

According to the extension approved by Director, John Baza, on January 10, 2008, Consol must prepare a specific written plan of resolution for the NOV that describes work to be accomplished and dated milestones that can be confirmed by inspection of the Division by January 25, 2008.

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John Gefferth
January 14, 2008

If you have any questions, please call me at (801) 538-5268 or Karl R. Houskeeper at (435) 613-3730.

Sincerely,

A handwritten signature in cursive script, appearing to read "Pamela Grubaugh-Littig".

Pamela Grubaugh-Littig
Permit Supervisor

skc
Enclosure
cc: Price Field Office
Daron Haddock
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Deficiencies List

Task ID #2877

PB= Priscilla Burton

SC = Steve Christensen

WW = Wayne Western

R645-301-121.200, Please show on Plate II-1 the lower coal stockpile south of Quitcupah Creek as described in Ch II, p. 9. • As drawn, the preparation plant facilities would be constructed on top of the 4th East portal road. Although this plate received a P.E. stamp, the Division cannot approve the facilities as drawn. (PB)

R645-301-536, Provide geotechnical information describing the existing waste stockpile. • The summary of acid-forming material handling described in Chap III, p. 12a must be revised to state that all waste will be placed in the permanent waste rock site at final reclamation, rather than covered in place. • The application must state in Chap III.B.1 (p. 8) that all coal fines will be removed to the permanent waste disposal site, rather than allowing the in-place reclamation of accumulations of over four feet of coal fines. • If the temporary waste pile is moved to the permanent location at final reclamation, the design information provided in Chap IV.C.1 and Plate IV-4 must be updated to provide enough storage capacity for the existing temporary waste stockpile volume and projected additional operational and reclamation disposal requirements. (PB)

R645-301-731.311, The Permittee must commit to sample any waste placed on the pile at a rate of one sample/600 cubic yards. This information must be included with the annual reports and included in Chap IV.C.1. • Since the waste was originally sampled in 1986 when the pile was only ¼ of its current size, the final reclamation plan for the coal mine waste pile must describe sampling of the final graded surface of the waste for acid toxic parameters as described in the Utah Guidelines for Topsoil and Overburden to define the characteristics of the waste. (PB)

R645-301-240 and R645-301-121.200, The three soil sample analyses are found in App VII.2. Based on SAR values, soils represented by sample 1 will be isolated and used as subsoil. Unfortunately, sample depths were not provided with the analysis, so that we have no information on how to segregate sample 1 soils from the rest. The plan must contain a commitment that upon construction of the permanent refuse site, the Permittee will resample the soils in the vicinity as follows: Samples will be taken on a 100 ft grid. Samples will be taken at one ft intervals for the first five feet and, thereafter, every two feet to the depth of the proposed excavation. • Original design estimates for covering 21,800 cubic yards of waste must be modified to provide enough cover for 37,000+ cubic yards of waste currently stockpiled in the northwest coal stockpile area. (PB)

R645-301-512.100, -742.324: Engineering Certification

- The Permittee must demonstrate that the design of the diversion ditches, culverts and pond inlet have been certified by a qualified registered professional engineer as meeting the performance standards of the R645-State of Utah Coal Mining Rules. A stamp may be provided on the initial page of the hydrologic calculations in the submittal with a statement that specifies which pages/calculations the certification pertains to. In addition, a registered professional engineer must certify all maps and plates submitted to the Division. (SC)

R645-301-746.200: Refuse Pile

- The Permittee must provide further drainage information relative to Pond No. 8. Chapter VI, Appendix VI-6, Page 26 of 38 provides an overview figure of the HEC-HMS Hydrologic Model utilized in calculating peak storm volumes and discharges associated with the refuse pile and adjacent area. The modeling calculation stops at Culvert B. However, upon review of the submitted *Pond No. 8 Plan View and Drainage Map* figure in Appendix VI-7, it appears that the discharge from Culvert A and Culvert B ultimately reports to what's labeled as a "24" CMP" located approximately 400' to the east. The 24" CMP east of Culverts A and B is not labeled and does not appear to be included in the HEC-HMS modeling run. According to the aforementioned figure, Area E is 8.6 acres and reports to the 24" CMP along with Culverts A and B. In addition, no ditch alignment is depicted north of the mine-access road. Based on the submitted information, there is no demonstration as to what happens to the storm runoff after discharging from culverts A and B. Additional information/clarification is needed in order to assess whether the 24" CMP located approximately 400' east of Culverts A and B is adequately sized to handle the storm runoff from Areas A, B, C, D as well as Area E as depicted on *Pond No. 8 Plan View and Drainage Map*. It should be noted that the currently approved *Pond No. 8 Plan View and Drainage Map* depicts the 24" culvert as an 18" CMP. The revisions box on the recently submitted drawing outlines this in item No. 1. No discussion is provided to clarify whether it's an 18" CMP or a 24" CMP. (SC)
- Chapter VI, Appendix VI-6 Page 26 of 38 states, "Pond No. 8 was sized using results from a HEC-1 computer model presented in Appendix IV-9 – Sediment Pond No. 8". Appendix IV-9 deals with the 4th East portal excavation blasting plan not sediment pond design. The Permittee should correct this typo so as to accurately cite the information for Sediment Pond No. 8. (SC)
- No design plans or drawings were submitted depicting the inlet to Pond 5. The Permittee must modify Plate VI-17, *Pond No. 5 Plan View & Cross Section*, to depict the inlet design that will be constructed to convey the runoff (generated from the permanent refuse pile) from the drainage ditch into Pond 5. (SC)
- The Permittee must reconcile several discrepancies between the submitted information and the approved MRP. The newly submitted Appendix VI-6, *Permanent Waste Disposal Site Ditch, Plan, Profile, Cross Section Reclamation Phase*, Figure 1 (Figure 1) depicts an entirely different

alignment/configuration for the proposed permanent development waste disposal site as what's depicted on the newly submitted Appendix VI-7, *Pond No. 8 Plan View and Drainage Map* (Pond No. 8 figure). The Pond No. 8 figure depicts a proposed permanent waste disposal site that is approximately twice as large as what's depicted in the Appendix VI-6, Figure 1 plate. Upon reviewing the two figures, it's not possible to ascertain what configuration is the correct one. (SC)

- The Permittee must reconcile discrepancies between the submitted maps/plates with the approved MRP where the watershed boundaries for the proposed permanent waste disposal site are depicted. The watershed boundary depicted in the aforementioned Appendix VI-6, Figure 1 drawing does not match the boundary depicted in the Pond No. 8 drawing or Plate VI-10, *Surface Drainage Control Map*. The recently submitted Figure 1 drawing from Appendix VI-6 depicts a watershed boundary that encompasses the entire proposed permanent waste disposal site. The Pond No. 8 drawing depicts a watershed boundary that essentially bi-sects the proposed permanent refuse site. Plate VI-10 depicts a watershed boundary that tri-sects the proposed permanent waste disposal site. These discrepancies must be rectified and made clear to the reader as to what watershed boundary and what proposed alignment/layout of the permanent refuse site is correct. The submitted information and approved MRP are at odds with one another in terms of watershed boundaries for the permanent waste disposal site. It's not clear which watershed boundary is correct. All maps and plates that depict watershed boundaries in the area of the proposed permanent waste disposal site must be consistent with each other. (SC)

- The Permittee must provide a demonstration that Pond No. 5 has the capacity to accept the drainage from the proposed permanent waste disposal site. The demonstration should include a reference to the appropriate maps/plates depicting watershed boundaries as well as a reference to the calculations that take the permanent waste disposal site area into consideration. Upon reviewing Plate VI-10 of the approved MRP, it appears that Pond No. 5 currently accepts drainage from most of the proposed permanent waste disposal site. Once the aforementioned deficiencies regarding watershed boundaries are resolved, the Permittee should also provide a reference on Page 29 in Chapter VI of Appendix VI-7 to the figure that accurately depicts the watershed that reports to Pond No. 5 and was utilized in the design calculations. (SC)

- **R645-301-526 and R645-301-830.140**, The Permittee must give a narrative in the MRP that states the maximum amount of coal mine waste that will be stored in the temporary storage facility and when that material will be move to the permanent storage facility. (WW)

- **R645-301-121.200**, The Permittee must clarify the following statements in the amendment. *Consol will need to add to the pile in the next 5 years.* The Permittee must clarify the statement by including specific dates when they plan on using the temporary storage facility and if there is a potential to use the facility for longer than 5 years. The Permittee must use the correct units when stating volumes, 600 cubic yards instead of 600 yards. See Chapter II page 9. (WW)

- **R645-301-521.165**, The Permittee must provide the Division with maps and cross sections that clearly show the temporary coal mine waste storage facility at full capacity. In addition, the Permittee must also have Plate Chapter IV.C4 Figure 1 certified by a registered professional engineer. (WW)

R645-301-830.130 and R645-301-830.140, The Permittee must provide updated information about the cost to permanently reclaim the temporary refuse storage site in accordance with the approved plan.

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